

Mayor David Browning, Seat 4
Vice Mayor Ryan Liang, Seat 3
Councilman Tom Goltzené, Seat 5
Councilman Ronald. D. Jarriel, Seat 1
Councilman Jim Rockett, Seat 2



Town of Loxahatchee Groves
Planning & Zoning Board Meeting
Thursday, February 9, 2012 at 7:00 p.m.
Town Hall Conference Room, 14579 Southern Blvd, Suite 2

Chair Dennis Lipp
Vice Chair Robin Crawford
Committee Member Lawrence Corning
Committee Member Keith Harris
Committee Member Grace Joyce
Alternate Member #1 Veronica Close
Alternate Member #2 Vacancy

Town Manager Mark Kutney
Town Clerk Janice M. Moore
Town Planner Jim Fleishmann
Town Engineer Patrick Figurella

The Planning & Zoning Board meets on the 2nd Thursday of each month
subject to the filing of applications. It also acts as the Local Planning Agency (LPA).
Items for each body are noted on the agenda.

PUBLIC NOTICE/AGENDA

1. OPENING

- a. Call to Order & Roll Call

2. MINUTES

- a. December 8, 2011

3. LOCAL PLANNING AGENCY - *None*

4. OLD BUSINESS - *None*

5. NEW BUSINESS

- a. Planning Study for Okeechobee Blvd
- b. Conflicts of Interest for Voting
- c. Legal Requirements for Minutes Preparation

6. COMMENTS FROM THE BOARD

7. ADJOURNMENT

**The next Planning & Zoning Board meeting is
Tentatively scheduled for March 8, 2012 at 7:00 p.m.**

Comments Cards: Anyone from the public wishing to address the P&Z Board must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the P&Z Board with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.



Town of Loxahatchee Groves
Planning and Zoning Board Regular Meeting
Thursday, December 8, 2011 at 7:00 p.m.
Palms West Chamber of Commerce
13901 Southern Boulevard

MINUTES

1. OPENING

a. Call to Order & Roll Call

Vice Chair Robin Crawford called the meeting to order at 7:00 p.m. Present were Vice Chair Robin Crawford and Board Members Grace Joyce, Lawrence Corning, Keith Harris, and Veronica Close (Alternate #1). Also present were Town Manager Mark Kutney, Boards & Committees Clerk Judy Rios, and Town Planner Jim Fleischmann.

2. MINUTES

a. August 24, 2011

Motion: Board Member Harris moved to **approve** the minutes of August 24, 2011. Board Member Crawford seconded the motion, which passed with Board Member Close and Board Member Joyce abstaining due to non-attendance at the meeting. **(Motion carried 3-0).**

b. October 13, 2011

Motion: Board Member Close moved to **approve** the minutes of October 13, 2011. Board Member Joyce seconded the motion, which passed unanimously. **(Motion carried 5-0).**

3. LOCAL PLANNING AGENCY

a. Small-Scale Future Land Use Map Amendment:

Project # CPA 11- 2(SS): Day Property - Request to amend the Town's Future Land Use Map from RR-5 to Commercial Low (CL) in part and Commercial Low Office (CL-0) in part on a 9.3 acre parcel of land located at the southwest corner of Okeechobee Boulevard and Folsom Road.

Boards and Committees Clerk Rios confirmed that this agenda item was properly published and demonstrated the Proof of Publication.

Town Planner Jim Fleishmann began his presentation with reading a letter dated December 1, 2011 from Stanley Vorsteg, Loxahatchee Groves Resident and adjoining neighbor to the subject site. A copy of the letter was provided for Town records.

Mr. Fleishmann continued with a verbal and visual presentation for the project site.

Staff Finding and Recommendation:

Mr. Fleischmann read into the record Attachment A1 – Future Land Use Element Text Amendment 11-2(SS) and Attachment A2 – Revision of the Future Land Use Map #FLU-1.10 Amendment 11-2(SS): Day Property (Pages 21 and 22 of the Staff Summary). Mr. Fleishmann stated that Staff recommended approval of the proposal with four (4) conditions adopted into the Comprehensive Plan text as part of the approval of this project. In order to incorporate these into the text of the Comprehensive Plan, Staff recommended that Special Policy 1.15.3 be incorporated into the text of the Comprehensive Plan that regulated this parcel (see Staff Report, Page 21).

1.15.3 Special Policy

Land use and density/intensity of development on the property delineated as “Special Policy 1.15.3” on the Future Land Use Map, Map # FLU -1.10, shall be regulated by the application of the following criteria: Commercial Low (CL) – Maximum of 4.76 acres/21,606 sq. ft. of retail commercial space; and Commercial Low Office – Maximum of 4.34 acres/37,810 sq. ft. of office commercial and related support space. The following conditions shall also apply:

- i. A unified master development plan for the entire 9.3 acres shall be prepared and approved as part of the rezoning process.
- ii. Rural Vista Guidelines, as directed by the Town Council, shall be incorporated within the design of the development.
- iii. Coordinate with the Red Barn commercial property to the west to incorporate an on-site connectivity option within the required master plan.
- iv. Coordinate with PalmTran to implement a bus shelter within the required master plan, if determined to be feasible.

The second part of the Staff recommendation was the revision of the Future Land Use Map #FLU-1.10 Amendment 11-2(SS): Day Property as illustrated in the Staff Report, Page 22. Mr. Fleishmann concluded the presentation and answered questions posed by the Planning & Zoning Board.

Board Member Corning requested clarification regarding Comprehensive Plan lacking specifics. Mr. Fleishmann responded they would have to make their case in their application and during staff review. Vice Chair Crawford requested information on the urban sprawl. Mr. Fleishmann directed him to the staff report, page 18 that listed the criteria in the Florida Statutes that determined urban sprawl.

Kieran Kilday of Urban Design Kilday Studios introduced Bill Day as the landowner of the property and commenced their presentation. Mr. Kilday concluded the presentation stating that they agreed to the conditions that Staff recommended and opened the floor for questions.

Board Member Joyce acknowledged that Staff had conducted a very thorough presentation and report. She had questions pertaining to the Comprehensive Plan and expressed concern over the possibility of subdivision of the properties. Following discussion, Mr. Fleishmann recommended that a condition be added that would not allow a subdivision of the properties.

Board Member Joyce expressed concern for Item #6 of the standards of urban sprawl “Preserves

open space and natural lands and provides for public open space and recreation needs.” She noted that the slash pines were not being preserved, but were removed to allow for development. The Recreation and Open Space Element, Objective 5A.4, Policy 5A.4.1 directed the Town to require the provision of natural areas. Board Member Joyce expressed that she wanted to incorporate preservation of what was left of the slash pine hammock into the site plan as a condition of approval. She also directed a question to Mr. Kilday regarding the time frame and the funding to build this project. Mr. Kilday stated that Mr. Day would install the infrastructure, perimeter landscaping, retention area, and the entrance off of Folsom entrance, but would not construct buildings until he had firm tenants.

Mr. Fleishmann explained that the Town of Loxahatchee had adopted a tree removal ordinance, which required the applicant to identify which trees would be removed, quality and how to mitigate the removal of the good ones.

Board Member Close had some questions regarding the status of Okeechobee Boulevard as far as Palm Beach County. It was noted that the County’s goal was to go four (4) lanes, but that there was no funding.

Board Member Close requested details of the parking requirements for the project site. Mr. Kilday explained that the retail was 1 for 200, the restaurant was 1 space for 3 seats, and the office space was 1 per 250 or 4 per 1,000. He further noted that the Loxahatchee parking space minimum dimension size was bigger than Palm Beach County’s due to the pick-up trucks. Board Member Close asked if the property would need to be platted. Mr. Kilday responded in the affirmative. Board Member Close inquired if a Traffic Determination Study had been received from the County. Mr. Fleishmann stated that concurrency needed to be obtained before building permits were issued.

Board Member Joyce asked Mr. Fleishmann if it was appropriate, at this time, to put in a condition pertaining to the slash pines in the Land Use Amendment. She noted that she understood that it would be in Comprehensive Plan, but did not feel comfortable. Following discussion, it was agreed that a condition was to be added that the applicant shall perform a vegetative assessment and survey with the goal of preserving the natural vegetative (with emphasis to preserving the slash pines) to the greatest extent possible, and it shall become part of the subsequent zoning and site plan submittals.

Board Member Close asked what would prohibit a fast food or convenience store at the project site. After discussion, Town Manager Kutney suggested that at the time of the zoning application, the applicant could self-restrict themselves on those recommendations.

Public Comment

Brett Davis, 1384 Okeechobee, expressed that he was the nearest neighbor to the Day Property and was asked to participate. He noted total support of the project and believed it would generate a lot of taxes for Palm Beach County and the Town of Loxahatchee and impact fees. He noted that he did not know any neighbor that was against the project.

Frank Schiola, 13434 Marcella Blvd, explained that had reviewed the project plan and welcomed the project and the prospect of enjoying the newer area, parking a truck with no problem, and the lake area.

The Public Hearing Session was now closed and discussion by Planning & Zoning Board was now opened.

Board Member Close expressed concern that it was an urban development in a rural area, a high traffic road that has some incompatible uses along that roadway, and the urbanization of Okeechobee Road.

Board Member Corning read a statement into the record expressing his concerns about the application noting that it was lacking visionary planning that rendered communities unrecognizable. He explained that he did not feel that the justification provided in the agenda package that claimed consistency with surrounding uses was correct. He added that the proposed development was a conventional suburban, single use segregated shopping center and did not further any transportation goals, if anything, it contributed to degrading the existing infrastructure and its capacity hence the missing traffic study.

Board Member Harris commented that it was hard to determine the future and the Board could only help direct it. He noted that each property owner had a right to develop, as long as it followed the guidelines and mandates of the community, and that the Staff report had indicated merit. Board Member Harris spoke in favor of the opportunity for Mr. Day to proceed with his design.

Board Member Joyce explained that the Board was not tasked with looking at the site plan or judging the site plan. She recommended that the Board needed to be very careful and cautious on what the site plan was going to look like but that is not before us tonight. Board Member Joyce noted that she would support the approval of the application with the amendments made to the conditions.

Board Member Corning recognized the people who have lived on Okeechobee for a long time and noted that conditions had changed. He suggested that the Board develop a "Transfer of Development Rights" where the difference between the current zoning and the appraisal on this approved project was the value. Board Member Corning explained that instead of waiting for tenants, the developer could sell the rights to the development on Southern Blvd. She noted that there were ways to alleviate the difficulty that the residential people had on Okeechobee Blvd.

Board Member Close expressed concern regarding commercial uses at the site. She explained that she did not believe that it was the intent in the development of the Comprehensive Plan that commercial uses should be placed along Okeechobee, but that the commercial uses should be placed on Southern. She recommended that the Board develop a comprehensive approach on the development of Okeechobee Boulevard. Board Member Closed expressed that she was not in favor of the proposal.

Board Member Corning recommended against approving the application.

Vice Chair Crawford clarified that the Board's responsibility was to address this proposal, that the proposal was presented very well and that his main concern was that this was another attempt to "open the door" for development on Okeechobee Blvd.

Ex-parte communications were addressed by the Board prior to the vote, and it was noted that there was none.

Motion: Board Member Corning moved to recommend **denial** of the application. Board Member Close seconded the motion. In a roll call vote, Vice Chair Crawford, Board Member Harris and Board Member Joyce all voted against the motion, while Board Member Corning and Board Member Close voted in favor of the motion. **(Motion failed 3-2).**

Discussion took place and consensus was agreed upon to add the following conditions to the approval: 1) A plat shall be filed with the Town, including a Unity of Title that cannot be broken. 2) A vegetative survey, including a slash pine inventory, shall be completed at the time of the master plan development, including identification of a slash pine preservation program.

Motion: Board Member Joyce moved to **approve** the application as amended based on the evidence that was presented today and that it was consistent with the Comprehensive Plan. Board Member Harris seconded the motion. In a roll call vote, Vice Chair Crawford, Board Member Harris and Board Member Joyce all voted in favor of the motion, while Board Member Corning and Board Member Close voted against the motion. **(Motion carried 3-2).**

4. OLD BUSINESS - None

5. NEW BUSINESS

a. Review of the Role & Responsibilities of the Board (Ordinance No. 2011-011)

Town Manager Kutney discussed the role and responsibilities of the Board and the request for alternate members to participate and sit at the dais. Town Council had directed the Town Attorney to amend the Ordinance to allow all of the alternates to participate, but no vote was taken during the course of a meeting.

b. Recommendation for the Town Attorney to be Present at the P & Z Meetings

Motion: Board Member Close moved to **recommend** to Town Council to provide us with an attorney until such time as the Planning & Zoning Board feels comfortable that they are not needed at a meeting or that the applications were such that an attorney was not warranted. The motion passed unanimously. **(Motion carried 5-0).**

c. Planning Study for Okeechobee Blvd.

A discussion occurred by the Board Members to support Chair Dennis Lipp's recommendation for the Planning & Zoning Board to undertake a plan for Okeechobee Boulevard.

Motion: Board Member Close moved to **have** the Planning & Zoning Board, as a collective body, support Chair Dennis Lipp's recommendation to go before Town Council to allow the Planning & Zoning Board at its next scheduled meeting to formulate and develop a comprehensive community plan for Okeechobee Boulevard and possible ways of implementing the plan and report back to Town Council with the recommendations. Board Member Grace seconded the motion, which passed unanimously. **(Motion carried 5-0).**

6. COMMENTS FROM THE BOARD - None

7. ADJOURNMENT

Motion: Board Member Close moved to **adjourn** the meeting at 10:12 p.m. Vice Chair Robin Crawford seconded the motion, which passed unanimously. **(Motion carried 5-0).**

**These minutes were approved by the
Board on Tuesday, February 9, 2012.**

Judy Rios, Boards & Committees Clerk

Dennis Lipp, Chair

SEAL

Item 5b.**The Florida Senate****Conflicts of Interest for Voting****2011 Florida Statutes**

<u>TITLE X</u> PUBLIC OFFICERS, EMPLOYEES, AND RECORDS	<u>CHAPTER 112</u> PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS	<u>VIEW ENTIRE CHAPTER</u>
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112.3143 Voting conflicts.—

(1) As used in this section:

(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the

matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.


(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be

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Advisory Legal Opinion - INFORMAL

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Number: INFORMAL

Date: June 9, 2011

Subject: Abstention from voting

Mr. Edward Rodgers
Chairman, Palm Beach County
Commission on Ethics
2633 Vista Parkway
West Palm Beach, Florida 33411

Dear Mr. Rodgers:

On behalf of a majority of members of the Palm Beach County Commission on Ethics, you have requested our assistance in determining whether a member of a local commission on ethics who is present at a meeting of the board may abstain from voting on a measure to avoid creating an appearance of impropriety. Attorney General Bondi has asked me to respond to your letter.

Initially, I must advise you that this office is limited by section 16.01(3), Florida Statutes, to providing legal opinions on questions of state law. Thus, the discussion herein is based on an examination of statutes and case law involving section 286.012, Florida Statutes. This office has no authority to comment on the procedures established by local ordinance for the conduct of meetings or hearings of the Palm Beach County Commission on Ethics. You may wish to discuss your concerns with the county attorney who can more fully explore any procedures established in the ordinance or charter provision creating the commission and describing its procedures.

Section 286.012, Florida Statutes, provides:

"Voting requirement at meetings of governmental bodies.—No member of any state, county, or municipal governmental board, commission, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of s. 112.311, s. 112.313, or s. 112.3143. In such cases, said member shall comply with the disclosure requirements of s. 112.3143."

Thus, the Legislature has determined that a member of a county board or commission may only abstain from voting "when, with respect to any such member there is, or appears to be, a possible conflict of interest under the provisions of" sections 112.311, 112.313, or 112.3143, Florida Statutes. It is a rule of statutory construction that express exceptions in a statute provide a strong inference that no other exceptions were intended. [1] The phrase "conflict of interest" as used in sections 112.311, 112.313, and 112.3143, Florida Statutes, means "a situation in which regard for a private interest tends to lead to disregard of a public duty or interest." [2] However, as this office has advised on a number of occasions, any question as to what fact situations may constitute a "conflict of interest" under this statutory definition must be directed to the Florida Commission on Ethics. [3]

An opinion of the Ethics Commission, citing opinions of this office, stated that "it is clear that, when adopting the Code of Ethics (which contains the statutes referenced in section 286.012), the Legislature was concerned primarily with the effect of a public official's economic interests and relationships upon the performance of his public duties. . . . " [4] This opinion was cited by the court in *Izaak Walton League of America v. Monroe County*, [5] in its holding that section 286.012, Florida Statutes, did not permit disqualification from voting of a county commissioner on the grounds of predisposition amounting to bias and prejudice.

I would note that other boards and commissions, including quasi-judicial administrative bodies, conduct quasi-judicial proceedings under section 286.012, Florida Statutes. In Attorney General Opinion 88-62, this office was asked to consider under what circumstances a member of a municipal code enforcement board could recuse himself. Once created, the board was required to adopt rules relating to the conduct of meetings, but the opinion points out that any such rules adopted by the board would be required to conform to section 286.012, Florida Statutes. The opinion reviewed the provisions of Chapter 162, Florida Statutes, for the creation of these quasi-judicial

administrative boards and noted that nothing in that chapter provided for the disqualification of a member or members of the code enforcement board from consideration of matters coming before the board. Thus, the opinion concludes that a member of the code enforcement board may not disqualify himself from considering a matter before the board and that, as provided in section 286.012, Florida Statutes, a member who is present at a meeting must vote unless a conflict of interest exists or appears to exist.

While the Commission on Ethics has no jurisdiction to administer section 286.012, Florida Statutes, it has interpreted the "appears to be a possible conflict" language of that statute. As the Commission advised in its letter to Mr. Farach of June 2, 2011, "non-economic bias or prejudice on the part of a public officer toward someone affected by a measure would not constitute a basis for a valid abstention pursuant to Section 286.012." [6] This office would concur in the Commission's analysis and conclusion.

Thank you for considering the Florida Attorney General's Office as a source for assistance in this matter. I trust that these informal comments will be helpful to you. This informal advisory opinion is provided in an effort to be of assistance. The comments expressed herein are those of the writer and do not constitute a formal Opinion of the Florida Attorney General.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

GH/tsh

[1] See *Biddle v. State Beverage Department*, 187 So. 2d 65 (Fla. 4th DCA 1966); and *State Road Department v. Levato*, 192 So. 2d 35 (Fla. 4th DCA 1966), cert. discharged, 199 So. 2d 714 (Fla. 1967).

[2] Section 112.312(8), Fla. Stat.

[3] See e.g., Op. Att'y Gen. Fla. 87-17 (1987), 86- 61 (1986), and 85-40 (1985); and see s. 112.322 (3), Fla. Stat., providing that public officers seeking interpretations of the Code of Ethics or the applicability of these statutes may request an advisory opinion of the Commission on Ethics.

[4] See CEO 79-14, dated March 22, 1979.

[5] 448 So. 2d 1170 (Fla. 3d DCA 1984).

[6] Letter to Manual Farach from Virindia Doss, Florida Commission on Ethics, dated June 2, 2011.

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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION:
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 _____;

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- _____ inured to the special gain or loss of my business associate, _____;
- _____ inured to the special gain or loss of my relative, _____;
- _____ inured to the special gain or loss of _____, by
whom I am retained; or
- _____ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.